
OLR Bill Analysis

sHB 5345 (as amended by House "A")*

AN ACT CONCERNING HOMEMAKER-COMPANION AGENCIES AND CONSUMER PROTECTION.

SUMMARY:

This bill expands several notice requirements for homemaker-companion agencies (agencies), including notifying clients that a background check was performed on the employee. It also adds certain consumer protections to agency contracts, including specifying payment obligations and when contracts are enforceable and can be cancelled.

The bill specifically allows an agency that complies with the notice requirements to recover payment for work performed based on the reasonable value of the services the client requested and received. The court must have determined that it would be inequitable to deny such recovery.

By law, a homemaker-companion agency is any public or private organization that employs one or more people that provide companion or homemaker services, including assisting with personal hygiene, cooking, household cleaning, laundry, and other household chores, but not home health care.

*House Amendment "A" (1) requires agencies to notify clients that a background check was performed rather than providing the check's results and (2) adds the payment recovery provision.

EFFECTIVE DATE: January 1, 2014

BACKGROUND CHECK NOTIFICATION

By law, agencies must require prospective employees to submit to a comprehensive background check before extending an offer of employment or entering into a contract with a prospective employee.

The bill further requires agencies to inform their clients, in writing, that a background check was performed on an employee before sending him or her to the client's residence for the first time.

CONTRACT NOTICE PROVISIONS

By law, agencies must, within seven calendar days of beginning services, provide the client with a written contract or service plan. These contracts or plans must provide notice that the (1) client or his or her representative has the right to request changes or review the contract or plan, (2) agency's employees are required to submit to a comprehensive background check, and (3) agency's records are available for inspection or audit by the Department of Consumer Protection.

The bill requires these notices to (1) be conspicuous and in boldface type and (2) also indicate that the (a) agency is not able to guarantee the extent to which its services will be covered under any insurance plan and (b) client may cancel the contract or plan if it does not contain a specific period of duration.

By law, these notice requirements do not apply to agencies servicing clients in the Connecticut Home Care Program for Elders.

CONTRACT ENFORCEABILITY AND CANCELLATION

Under the bill, written contracts or service plans are not enforceable against the client or his or her representative unless they contain all the provisions the law requires. The bill also allows a client to cancel a contract or service plan at any time if it does not state a specific period of duration.

PAYMENT OBLIGATIONS

The bill requires clients to pay only for actual services rendered. It prohibits an agency from billing for excess fees or costs when it provides the services of a higher-skilled individual than the client needs.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 18 Nay 0 (03/12/2013)